

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM, VILLAGE
HALL, ON WEDNESDAY, NOVEMBER 1, 2000.**

Members Present: Peter Lilienfield
William Hoffman
Jay Jenkins, Secretary
Allen Morris
Patrick Natarelli

Also Present: Lino J. Sciaretta, Village Counsel
Ralph Mastromonaco & Tim Miller, Consultants to the
Planning Board
Brenda Livingston, Ad Hoc Planning Board Member
Edward P. Marron, Building Inspector
Florence Costello, Planning Board Clerk
Jan Blaire, Environmental Conservation Board
J&L Reporting Service, for Westwood Development Associates
Applicants and other persons mentioned in these Minutes
Members of the Public.

IPB Matters

Considered: **94-03 – Westwood Development Associates, Inc**
Sht. 10,P25J2,25K2,Sht.10C,B1.226,Lots 25A,26A
Sht.11, P-25, P25J
99-31 – Danfor Realty – Fatato Subdivision
Sht. 13B, P5, P5C
00-21 – Mercy College
Sht. 9, P-44,45,46,47,48,49
00-29 – Thomas Wexler
Sht. 10C, Bl. 226, Lot 25B
00-30 – Eileen Fisher
Sht. 2, P-109P6,P-109P9
00-33 – Ettore D'Alessio
Sht. 13, P-154
00-36 – Andrew & Jo Ellen Kurtz
Sht. 12B, Lot 44
00-37 – Ronni Krauss & Paul Tobey
Sht. 10C, Bl. 228, Lot 5A & 6

The Chairman called the meeting to order at 8:00 p.m.

Administrative:

With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees. Further, unless otherwise noted, the Applicants submitted evidence of Notice to Affected Property Owners.

IPB Matter #00-36:

**Application of Andrew & Jo Ellen Kurtz for
Site Development Plan Approval for property at
28 Derby Lane.**

Craig Studer appeared for the Applicant. The Application relates to the proposed construction of a deck, swimming pool, fence and retaining wall. The proposed construction is within the building envelope and the plans do not exceed the maximum lot coverage calculations. A neighbor, Mr. Derby, appeared and expressed hope that appropriate landscaping would be included in the plan, but otherwise he had no objection. The Applicant confirmed he will comply with all applicable screening requirements and will submit a planting plan (particularly as it applies to the view from Northbrook Lane). Mr. Mastromonaco had no engineering concerns. Plans entitled: Kurtz Residence, Proposed Pool by Studer Design Associates, Sheet SP1 dated 10/17/00 and Sheet SP2 dated 10/17/00 last revised 11/1/00 were submitted.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA.

After discussion and on motion duly made, seconded and unanimously approved, the Board adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or

Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval.

IPB Matter #00-37:

**Application of Ronni Krauss & Paul Tobey for
Site Development Plan Approval for property at
57 Riverview Road.**

Christine Broda, appeared for the Applicant. The Application relates to a proposed one-story addition to be used as a family room and dining room, and a patio, and a second-story addition above one-half of the existing house for a master bedroom. The Applicant confirmed that no trees are to be removed in connection with the construction, that (responding to Mr. Mastromonaco's only concern) the patio is included in the lot coverage calculation, that the height does not exceed 26 feet and that there are no setback issues. The Board asked the Applicant to provide the Building Inspector with evidence that appropriate drywells will be placed so as not to damage trees and to review the coverage calculations with and provide a survey to the Building Inspector. There were no comments from the public. Plans entitled: Renovations and Addition to the Krauss-Tobey Residence by Christine Broda, Architect, dated October 18, 2000, five (5) sheets were submitted.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application.

IPB Matter #00-21:

Application of Mercy College for Renewal of Special Permit.

The Chairman reopened the public hearing on the Application. Colleen J. Magliari, Director of Government & Community Relations for Mercy College appeared for the Applicant. The Application relates to the proposed amendment and renewal of the Special Permit most recently granted to Mercy College on June 6, 1996.

Ms. Magliari presented the final form of Special Permit including in Section 6 thereof an obligation of the College to provide the Board with an annual report on traffic patterns on site. The submitted Special Permit deletes any reference to parking for commuters. There were no comments from the public. The Chairman closed the public hearing on this matter.

After discussion, upon motion duly made, seconded and unanimously carried, the Board adopted the attached resolution, which authorized the Special Permit, with a May 31, 2005 expiration date.

IPB Matter #00-29:

Application of Thomas Wexler for Modified Limited Site Development Plan Approval for Property at 297 Riverview Road.

Craig Studer appeared for the Applicant. The Application relates to a proposed regrading of property at 297 Riverview Road. The Applicant submitted revised drawings for the plan with a survey. There were no comments from the public. Mr. Mastromonaco recommended that the Applicant submit a report from an engineer regarding runoff and the Board requested that such report include evidence of tree protection. Applicant submitted plans: Modified Limited Site Development Plan – Grading, for Wexler Residence, by Studer Design Associates dated October 17, 2000.

After discussion, upon motion duly made, seconded and unanimously approved, the Board then granted Modified Site Development Plan Approval, subject to confirmation by the Building Inspector and Mr. Mastromonaco that runoff and erosion control are adequately addressed in an appropriate engineer's report.

IPB Matter #00-30:

Application of Eileen Fisher for Site Development Plan Approval for property at 44 Matthiessen Park.

Earl Ferguson appeared for the Applicant. The Application, which was carried over from the Board's October meeting, relates to the proposed demolition of an existing residence and construction of a new single family residence. Mr. Ferguson reported that the Zoning Board of Appeals had rejected his interpretation of lot coverage and allowable

height and that he intends to revise the plans accordingly. The matter was carried over to the Board's next meeting on December 6, 2000.

IPB Matter #00-33:

**Application of Ettore D'Alessio for Site
Development Plan Approval for property at
125 South Broadway.**

Andrew Tesoro appeared for the Applicant. The Application, which was carried over from the Board's October meeting, relates to the construction of a second floor, two-car garage and study/guest room to an existing single family residence. Mr. Hoffman recused himself from the consideration of this Applicant.

The Applicant has provided acceptable lot coverage calculations, has confirmed his intention to use the existing driveway and has confirmed that no trees will be removed in connection with the plan. Mr. Mastromonaco responded that his engineering concerns have been addressed. Applicant submitted: Drainage Design Calculations D'Alessio Residence dated September 14, 2000 by Paul J. Petretti, and plan entitled, Alterations D'Alessio Residence, by Tesoro Architects dated September 20, 2000 revised October 12, 2000, Sheets A1 and A3. The Board determined that this was a Type II action under SEQRA.

After discussion, on motion duly made, seconded and unanimously approved, the Board granted Site Development Plan Approval.

IPB Matter #94-03:

**Application of Westwood Development
Associates, Inc., for Limited Site Development
Plan Approval for property at Broadway,
Riverview Road and Mountain Road.**

Charles Pateman and Padraic Steinschneider appeared for the Applicant. The proceeding was a continuation of the public hearing on the Westwood Development project. A full stenographic record was made of the proceedings.

The Applicant submitted a revised set of Plans for the proposed Westwood Development project:

Sheet	Title	Issue Date	Last Revised
CS	Cover Sheet	02-13-98	09-25-00
NS-0.1	Notes Sheet	09-25-00	09-25-00
SP-1.1	Tract A Site Plan, Grading & Utility Plan	02-13-98	09-25-00
SP-1.2	Tracts B/C Site Plan, Grading & Utility	02-13-98	09-25-00
SP-1.3	Tract A Site Plan, Access Rd & School Improv	7-28-00	09-25-00
SP-1.4	Tracts A,B/C, Selected Areas Enlarged	09-25-00	09-25-00
SP-1.5	Tract A, Selected Areas Enlarged	09-25-00	09-25-00
RP-2.1	Tract A Road & Driveway Profiles	04-17-00	09-25-00

RP-2.2	Tracts B/C, Road & Driveway Profiles	04-17-00	09-25-00
DS-3.1	Pre-Development Analysis-Stormwater Drainage Study	05-01-96	09-25-00
DS-3.2	Post-Development Analysis-Stormwater Drainage Study	05-01-96	09-25-00
ZB-4.1	Tract A, Zoning & Building Envelopes	02-13-98	09-25-00
ZB-4.2	Tracts B/C, Zoning & Building Envelopes	02-13-98	09-25-00
UP-5.1	Tract A, Sanitary Sewer Profiles	04-17-00	09-25-00
IP-5.2	Tracts B/C, Sanitary Sewer Profiles	04-17-00	09-25-00
Up-5.3	Tracts A,B/C, Sanitary Sewer Profiles	04-17-00	09-25-00
UP-5.4	Tracts A, B/C, Selected Stormwater Drainage Profiles	08-04-00	09-25-00
UD-6.1	Water Distribution Details	04-17-00	09-25-00
UD-6.2	Sanitary Sewer & Stormwater Drainage Details	04-17-00	09-25-00
UD-6.3	Stormwater Drainage & Landscaping Details	04-17-00	09-25-00
UD-6.4	Roadway & Sidewalk Details	04-17-00	09-25-00
UD-6.5	Tracts B/C Sanitary Sewer Pump Station	09-25-00	09-25-00
UD-6.6	Tracts B/C Water Booster Pump Station	09-25-00	09-25-00
EC-7.1	Tract A, Erosion & Sediment Control Plan	04-17-00	09-25-00
EC-7.2	Tracts B/C, Erosion & Sediment Control Pl.	02-13-98	09-25-00
EC-7.3	Erosion & Sediment Control Details	04-17-00	09-25-00
LS-8.1	Tract A, Landscape Plan	09-25-00	09-25-00
LS-8.2	Tracts B/C, Landscape Plan	09-25-00	09-25-00
LD-9.1	Tract A, Limit of Disturbance Plan	09-25-00	09-25-00
LD-9.2	Tracts B/C, Limit of Disturbance Plan	09-25-00	09-25-00

Mr. Mastromonaco stated that he had only preliminarily reviewed the Plans, but believed that the deficiencies were only technical in nature. The Chairman requested that Mr. Mastromonaco prepare a memorandum for the Board to describe the technical deficiencies.

The Applicant and the Board engaged in discussions regarding, *inter alia*, the following:

- The placement of the water booster station on Village property, adjoining the Compost facility. The Board requested drawings and notification to the Department of Public Works.
- The classification of common driveways as minor streets and the related issues of setback, frontage and access.
- The need for a revised proposal for the layout of lots 7 and 8, with the possible revision of lot 9.
- The need for clarification of building envelopes and limits of disturbance with an overlay to the Plans, including location of proposed pools, and lots on which pools would not be appropriate.
- The need for clarification of maintenance of the emergency access route for B & C.

- The possibility of hiking trails.
- Special attention to the limits of disturbance on retaining walls with respect to Tract A ridge lines.

The Chairman adjourned the public hearing to the next meeting of the Board on December 6, 2000.

IPB Matter #99-31:

Application of Danfor Realty for Determination of Site Capacity for proposed Subdivision of Property at Harriman Road.

Paul Petretti, Civil Engineer & Land Surveyor, appeared for the Applicant in connection with a proposed development of property on Harriman Road. The Chairman reported that he and Pat Natarelli had met with the Applicant and Village Counsel in an attempt to resolve outstanding issues regarding the survey, evidence of ownership of the property and the need for copies of filed deeds. Mr. Sciarretta reiterated the need for the Applicant to present this material before the Board could consider any action on this Application. The matter was carried over to the Board's December 6, 2000 meeting.

The Board then considered the following administrative matters:

- The next regular meeting of the Planning Board was scheduled for December 6, 2000.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Jay Jenkins, Secretary